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STRADDLING FISH STOCKS AND
HIGHLY MIGRATORY FISH STOCKS
New York, 12-30 July 1993

LETTER DATED 12 JULY 1993 FROM THE PERMANENT REPRESENTATIVE OF ARGENTINA TO THE UNITED NATIONS ADDRESSED TO THE CHAIRMAN OF THE CONFERENCE

I have the honour to request that you have the attached note, containing the Argentine Government's suggestions for the United Nations Conference on Straddling Fish Stocks and Highly Migratory Fish Stocks, circulated as a document of the Conference.

(Signed) Emilio J. CARDENAS
Ambassador
Permanent Representative of Argentina
to the United Nations

Annex

ORGANIZATION OF WORK

List of Issues

(Submitted by the delegation of Argentina)

The regime that this Conference establishes should be in conformity with the provisions of the United Nations Convention on the Law of the Sea and should contain a number of principles and practical measures.

The regime should be included in a binding international instrument. This would ensure the effective management and conservation of the living resources of the high seas, which is an objective of the United Nations Convention on the Law of the Sea.

The international instrument should contain an obligatory procedure for the peaceful settlement of disputes. It should also include a set of provisions facilitating technical assistance to developing countries in order to enable them to implement the regime and ensure the rational utilization of their living marine resources.

The establishment of new regional fisheries bodies does not per se solve the problem of managing and protecting living marine resources.

Nevertheless, the effectiveness of existing regional fisheries bodies should be strengthened. These organizations should establish the conditions for the admission of new participants.

Likewise, when there exist provisions on the management and conservation of living marine resources, adopted by the aforementioned bodies, or arrangements for management and conservation in a specific geographical area, the nationals of third States should comply with those provisions.

1. Principles

1.1. Fishing on the high seas should be carried out on the basis of environmentally sustainable practices (conservation and optimal use of living resources).

1.2. Because of the biological dependence of straddling fish stocks (relation of marine species to the ecosystems of the jurisdictional waters of coastal States), high-seas fishing should not have an adverse effect on the resources under the jurisdiction of coastal States.

1.3. The flag State should be made effectively responsible for fishing vessels flying its flag on the high seas.

1.4. All States whose nationals fish on the high seas should bear in mind and respect the special interests of coastal States, as well as their special

responsibilities for the conservation of living marine resources in the areas adjacent to their exclusive economic zones.

1.5. Given the absence of cooperation agreements on the management and conservation of living resources in the area adjacent to exclusive economic zones, the conservation measures of the coastal State should, provisionally, be applied without discrimination. Likewise, the conservation measures applied by the fishing States should be consistent with those adopted by the coastal States (the consistency principle).

Nevertheless, the most appropriate procedure would be for such management and conservation measures to be adopted on the basis of a cooperative effort between the coastal States and those fishing in the area adjacent to the exclusive economic zone.

2. Practical measures

2.1. Cooperation between the coastal State and the States fishing in the area adjacent to its exclusive economic zone should be made effective through systems for the exchange of scientific information and information on catches, the cost of which should be equitably shared.

2.2. All States should adopt legislation to prevent and punish violations of the applicable measures for the management and conservation of living marine resources.

2.3. Monitoring and control measures for vessels fishing on the high seas need to be agreed upon in order to prevent, and where appropriate punish, violations of the applicable provisions regarding the management and conservation of living marine resources.

High seas surveillance and monitoring measures:

- Adoption of inspection regimes based on cooperation between coastal States and the States whose nationals fish in a high seas area adjacent to their exclusive economic zones;

- Possibility of prohibiting the transshipment of fish or fish products on the high seas;

- Establishment of systems for monitoring catches and fishing operations (on-board observers and satellite monitoring);

- Agreement on and implementation of a uniform international system for the marking and identification of fishing vessels;

- Establishment of an international register of fishing vessels;

- Early adoption of the draft convention being drawn up in the Food and Agriculture Organization of the United Nations (FAO) to prevent reflagging of vessels on the high seas.